

COUNCIL COMMUNICATION

TO: THE CITY COUNCIL  
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:  
MARCH 21, 1990

SUBJECT: ADOPTION OF ORDINANCE NO. 1477 - AN ORDINANCE OF THE LODI CITY COUNCIL REPEALING  
AND REENACTING LODI MUNICIPAL CODE SECTIONS 2.44.070 THROUGH 2.44.110 RELATING  
TO THE PERSONNEL BOARD OF REVIEW

Ordinance No. 1477 - "An Ordinance of the Lodi City Council Repealing And Reenacting Lodi Municipal Code Sections 2.44.070 Through 2.44.110 Relating To The Personnel Board Of Review" was introduced at the regular meeting of the Lodi City Council held March 7, 1990.

Pursuant to State statute, ordinances may be adopted five days after their introduction following reading by title.

This Ordinance has been approved as to form by the City Attorney.

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the Lodi City Council to adopt Ordinance No. 1477.

*Alice M. Reimche*  
Alice M. Reimche  
City Clerk

AMR/jmp

ORDINANCE NO. 1477

**AN ORDINANCE OF THE LODI CITY COUNCIL  
REPEALING AND REENACTING LODI MUNICIPAL CODE SECTIONS 2.44.070  
THROUGH 2.44.110 RELATING TO THE PERSONNEL BOARD OF REVIEW.**

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**BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:**

**SECTION 1.** Lodi Municipal Code Chapter 2.44, Article II, Sections 244.070 through 244.110 relating to the Personnel Board of Review are hereby repealed and reenacted as follows:

**2.44.070. Composition of Board - Vacancies.**

The Personnel Board of Review created under this Article shall consist of three ~~members~~ to be appointed by the City Council. Vacancies on the Personnel Board, ~~from~~ whatsoever cause, shall be filled by ~~appointment~~ by the City Council. Two of the three members shall constitute a quorum and may conduct business,

**2.44.080. Terms.**

The Personnel Board appointed and sworn in on January 18, 1990 shall, no later than June 1, 1990, choose by lots one member whose term shall expire on January 17, 1991, one member whose term shall expire on January 17, 1992, and one member whose term shall expire on January 17, 1993. Thereafter, at the expiration of the terms so determined, successors shall be appointed for terms of three years.

**2.44.090. Qualifications of Members.**

The members of the Personnel Board shall be qualified electors of the City and shall serve without compensation. No person shall be appointed to the Board who holds any position with the City nor shall any member while a member of the Board be eligible for appointment to any position with the City.

**2.44.100. Hearing of Appeals,**

A. As provided in this Article, by rule adopted hereunder or by memoranda of understanding between the City and employees' bargaining units, the Board shall hear appeals by any person in the classified service relative to any situation involving the employee's status or conditions of employment, including disciplinary matters,

B. Unless provisions to the contrary contained in any memoranda of understanding or pertinent law require otherwise, the findings and actions of the Board are deemed advisory only to the appointing authority. If memoranda of understanding or law provide differently, then such findings or actions shall be deemed final action by the City, and reviewable under administrative mandamus provisions of State law.

**2.44.110. Powers of the Board.**

A. In any proceeding or hearing before the Board, it shall have the power to compel the attendance of witnesses and the production of documents or other evidence, to examine witnesses under oath, to regulate conduct of proceedings before the Board and to issue subpoenas in the name of the City. A subpoena issued hereunder shall be served

by the Police Department and failure to appear may subject the subpoenaed party to prosecution or other sanctions in the manner set forth in law for failure to appear before the City Council in response to a subpoena issued by the City Council.

B Each member of the Board may administer oaths to witnesses. Willful failure or refusal of a witness to take the oath or affirmation may be treated as a contempt,

#### **2.44.120. Procedural Rules.**

The Board shall, with the concurrence and approval of the City Council, adopt procedural guidelines for the conduct of hearings by the Board.

~~SECTION 2~~ All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

**SECTION 3.** This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this       day of

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JOHN R. SNIDER  
Mayor

Attest:

  
ALICE M. REIMCHE  
City Clerk

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State of California  
County of San Joaquin, ss

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1477 was introduced at a regular meeting of the City Council of the City of Lodi held March 7, 1990 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held March 21, 1990 by the following vote:

Ayes: Council Members - Hinchman, Olson, Pinkerton, Reid  
and Snider (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1477 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
ALICE M. REIMCHE  
City Clerk

Approved as to Form

  
BOBBY W. McNATT  
City Attorney

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